

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. CV 13-0966 RB/LAM
CR 10-3160 RB**

MARIO DEVONNE WASHINGTON,

Defendant/Movant.

ORDER

THIS MATTER is before the Court on Defendant/Movant's (hereinafter "Defendant") *Motion for Extension of Time to File Reply Brief* (*Doc. 30*), *Motion for Extension of Page Limits for Reply Brief* (*Doc. 31*), motion for legal materials [*Doc. 39*], and motion to waive the payment of filing fees [*Doc. 44*]. Having considered the motions and record of the case, the Court **FINDS** that *Docs. 30* and *31* shall be **GRANTED**, *Doc. 39* shall be **DENIED as moot**, and that *Doc. 44* shall be **DENIED as moot** in part and **DENIED without prejudice** in part.

In Document 30, Defendant asks the Court to extend the deadline for him to file a reply to the Government's response to Defendant's § 2255 motion, and, in Document 31, Defendant asks the Court for an extension of the page limits for his reply brief. *See [Docs. 30 and 31]*. No responses to the motions have been filed and the time for doing so has passed. In addition, the Court notes that Defendant filed his reply brief on June 13, 2014. *See [Doc. 40]*. The Court finds that Defendant's motions to extend the deadline to file a reply brief and to extend the page limits for his reply brief shall be granted.

In Defendant's motion for legal materials, filed May 8, 2014, Defendant appears to ask for certain materials to be returned to Defendant so he could file his reply to the Government's

response brief. *See* [Doc. 39 at 5]. Defendant filed his reply brief on June 13, 2014, so this motion appears to now be moot.

In Document 44, Defendant asks the Court to waive the filing fees for his § 2255 proceeding. [Doc. 44 at 1]. In addition, Defendant appears to be seeking a waiver of the filing fees in the Tenth Circuit Court of Appeals in case he files an appeal of the Court's decision in this case. *Id.* at 2. It appears that Defendant has previously been found indigent (*see* Doc. 5, filed in Case No. CR-10-3160), thus making Defendant's motion to waive the filing fees in this proceeding moot. The Court declines to enter a ruling on Defendant's motion with regard to an appeal that has not yet been filed. Therefore, the Court shall deny this motion as moot with regard to this proceeding, and without prejudice with regard to a possible future appeal.

IT IS THEREFORE ORDERED that Defendant's *Motion for Extension of Time to File Reply Brief* (Doc. 30) and *Motion for Extension of Page Limits for Reply Brief* (Doc. 31) are **GRANTED**.

IT IS FURTHER ORDERED that Defendant's motion for legal materials [Doc. 39] shall be **DENIED as moot**

IT IS FURTHER ORDERED that Defendant's motion to waive the payment of filing fees [Doc. 44] is **DENIED as moot** with regard to this proceeding, and **DENIED without prejudice** with regard to a possible future appeal.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE